

Messrs. Taylor of Cass, Flanagan and Potter, were appointed said Committee.

On motion of Mr. Taylor of Cass, the Senate adjourned until 10 o'clock to-morrow morning.

TUESDAY, Nov., 6th. 1855.

The Senate was called to order by the President, pursuant to adjournment—Roll called—Quorum present.

The Journal of yesterday was read and adopted.

The President announced the following standing committees:

Committee on the Judiciary, Messrs. Potter, Palmer, Taylor of Houston, Taylor of Fannin, Armstrong, Martin, and Flanagan.

Committee on Finance, Messrs. Grimes, Milliken, Maverick, Scott and Burroughs.

Committee on the Militia, Messrs. Maverick, Doane, McDade, Weatherford and Russel.

Committee on Public Lands, Messrs. Scott, Pirkey, Scarborough, Surperveile and Guinn.

Committee on State Affairs, Messrs. Hord, Martin, Lott, Doane and Bryan.

Committee on Indian Affairs, Messrs. Caldwell, McCulloch, Hill, Armstrong and Allen.

Committee on Education, Messrs. Bryan, Taylor of Houston, Palmer, Scarborough and Burroughs.

Committee on the Penitentiary, Messrs. Lott, Grimes, Pirkey, Superviele and Russel.

Committee on Internal Improvements, Messrs. Flanagan, Maverick, Palmer, Millican and Hill.

Committee on Privileges and Elections, Messrs. Martin, McDade, Guinn, Weatherford and Truit.

Committee on Counties and County Boundaries, Messrs. Armstrong, Superviele, White, Lott and Pirkey.

Committee on Private Land Claims, Messrs. Taylor of Fannin, Truit, White, Doane and Hord.

Committee on Roads, Bridges, and Ferries, Messrs. Millican, McDade, Burroughs, Allen and Truit.

Committee on Claims and Accounts, Messrs. Hill, Guinn, Potter, Hord and Bryan.

Committee on Printing and Contingent Expenses, Messrs. Scarborough, Taylor of Houston and Taylor of Fannin.

Committee on Engrossed Bills, Messrs. Guinn, McCulloch and Russell.

Committee on Enrolled Bills, Messrs. Allen, White and Caldwell.

Committee on Public Debt, Messrs. Taylor of Cass, Caldwell, Scott, Flanagan and Weatherford.

Committee to act in conjunction with a like Committee from the House, in the examination of the Treasurer's Books and Accounts, Messrs. McCulloch and Taylor of Cass.

Mr. Taylor of Cass, presented the petition of Geo. L. Bledsoe, praying for relief, which on motion, was referred to the committee on private land claims.

Mr. Taylor, chairman of the committee appointed to act in conjunction with a like committee on the part of the House of Representatives, to wait upon the Governor, and inform him of the organization of their respective bodies, reported their duties performed.

Mr. Allen offered the following resolution :

Resolved, That with the concurrence of the House of Representatives, the two Houses will go into the election of Public Printer to-morrow at half past eleven o'clock, A. M., and open the polls and compare the votes of the Governor and Lieutenant Governor elect. Adopted.

Mr. Caldwell introduced a bill for the relief of Bartlett Sims, assignee of Martha Parker. Read the first time.

Mr. Lott introduced a bill to incorporate a literary Institution, under the supervision and control of the Eastern Texas Annual Conference, located at or near the town of Gilmer, in Upshur county, in this State. Read the first time.

Mr. Palmer offered the following resolution :

Resolved, That seats be furnished in the Senate Chamber, for any Reporter wishing to report the proceedings of the Senate. Adopted.

Mr. McDade offered the following Resolution :

Resolved, That the committee on printing and contingent expenses, be instructed to make arrangements to pay out of the contingent fund for the use of the Senate, the postage on any and all newspapers and public documents, on which postage is required by law, to be paid, which may be sent through the Post office by the members of the Senate during the present Session. Adopted.

Mr. Flanagan introduced a bill to repeal an Act regulating the public printing, approved December the 27th, 1851. Read the first time.

A message from the Governor, through his private Secretary, was received, communicating the biennial Message of His Excellency, which on motion of Mr. Potter, was read; and is as follows :

Gentlemen of the Senate

and of the House of Representatives:

It gives me no ordinary pleasure to welcome you to the capital, and to congratulate you upon the present condition of the State. We are receiving large accessions to our wealth and population; our citizens are in the enjoyment of a healthful season and an abundant harvest; every branch of industry receives its liberal reward, and our inhabitants are prosperous and happy in a degree unexampled in our former history.

The cheering prospect she now presents, inspires the hope, that at no distant period Texas will be allotted that high position in political importance among the States of the Union, to which she is so justly entitled from the varied productions of her soil, the vast extent of her territory, and the industry and enterprise of her citizens.

In communicating to you the condition of the State, I would most respectfully invite your attention to the provisions of the Act of Congress of the 28th of February last, proposing a final adjustment of our public debt, and of all claims against the United States.

In lieu of the five millions of United States five per cent. stock still due to this State, under the Act of Congress of the 9th of September, 1850, the Act of the 28th of February proposes to pay the sum of seven millions seven hundred and fifty thousand dollars to those creditors of the late Republic of Texas, for whose debts the revenues of that Republic were pledged, to be apportioned *pro rata* among them.

A copy of this Act is herewith submitted for your consideration. It is not to take effect, as you will perceive, until it shall be assented to by you; nor until you shall pass a law withdrawing and abandoning all claims and demands against the United States growing out of Indian depredations or otherwise.

The question of the acceptance or rejection of this Act, was submitted to the electors of this State at the late election, when but 25,427 out of about 45,000 who voted at that election, felt interest enough in the subject to vote upon it; of those who did vote, 11,609 were for its acceptance, and 13,818 were for its rejection; under the circumstances, I do not consider the result

of this vote any test of the opinion of the people of the State upon the merits of the Act, and do not think it should exercise any influence upon your action in regard to it.

The Act provides for the payment of all of the debt of the late Republic of Texas, which has not heretofore been paid at par from our own Treasury, and will pay to each creditor about seventy-eight cents on the dollar of the ostensible value of his claim on the 1st day of July, 1850, as ascertained by our laws.

In deciding upon the acceptance or rejection of this Act, it should be borne in mind, that any final settlement of the debt embraced in its provisions must be assented to by the United States, the creditors and Texas. Texas alone cannot prescribe the terms on which it shall be settled, for she has already, by her previous legislation, consented that the United States shall retain the five millions due under the Act of Congress of the 9th of September, 1850, until those creditors, for whose debts, the duties of the late Republic of Texas on imposts were specially pledged, shall first file at the Treasury of the United States, releases of all claim against the General Government for or on account of those debts, in such form as shall be prescribed by the Secretary of the Treasury and approved by the President of the United States.

The construction given to this provision by two Secretaries of the Treasury and approved by two Presidents, requires that all those creditors who hold any of the bonds or promissory notes of the late Republic of Texas, shall file such releases at the Treasury of the United States, before any portion of the reserved five millions of stock can be issued to Texas.

Texas has protested against this construction, and on the 31st of January, 1852, she passed a law providing that each creditor of this class should be paid the amount of his claim as ascertained by her laws, when he should file a release of all claim against the United States and Texas, provided that government would issue to Texas amounts of the reserved five millions equal to the sums for which such releases might be presented by Texas to the United States Treasury.

Up to this time the United States and a portion of these creditors have refused to assent to this law, and I do not think any

reasonable hope can be entertained that this debt will ever be settled, either under the provisions of the original Act of Congress of the 9th of September, 1850, or under the law of Texas of the 31st of January, 1852.

It is a matter of much interest to the creditors as well as to our own citizens that this debt shall be speedily settled. It was contracted in establishing and maintaining our independence, and every principle of honor and justice requires that we shall discharge it as soon as possible, since we now have the ability to do so.

This act is generally understood to be acceptable to the creditors; it is respectful in its terms, and contains nothing but what we may accede to with honor, if we provide that every creditor shall receive what we acknowledge to be due him.

The amount of this debt, on the 1st of July, 1850, as acknowledged by our laws, was \$4,435,638 78, if we were to pay it with interest from the 1st of July, 1850, to the time of payment, (and I presume no one will contend that, if the United States and the creditors were to consent to its payment according to our own laws, we would be justified in refusing to pay the same rate of interest that the stock is drawing,) we would have left out of the five millions the sum of \$705,452 32.

If we accede to this Act, we shall receive out of the five millions, the sum of \$179,163 93, after paying the creditors according to its provisions, and also paying to those creditors whose *pro rata* will be less than we owe them, the difference between what we admit to be due them and their *pro rata*, so that in a pecuniary view we lose but \$526,288 39 by accepting this Act, instead of paying the debt in accordance with our own laws. This is a small consideration compared with the great importance of having this troublesome business settled upon terms satisfactory to our creditors.

It is true that, in addition to this loss, we withdraw and abandon all claims and demands against the United States, growing out of Indian depredations or otherwise.

These claims, if any such exist, arise from a supposed obligation on the part of the United States, to pay us the expenses incurred by the Republic of Texas in defending herself against Indian tribes belonging to the United States.

These expenses were paid by the issue of promissory notes, which now constitute a large part of this very debt.

It is not probable that we shall ever realize any thing from these claims, except in the manner now proposed; they are of long standing, and have never been seriously urged against the United States until the last Legislature passed a joint resolution instructing our Senators and requesting our Representatives to urge their settlement upon the Congress of the United States, and authorizing them to accept or reject any proposition that might be made for the full and final adjustment thereof, subject to ratification by the Legislature.

Those who were instrumental in getting this joint resolution passed, had in view a settlement of these claims in connection with the payment of our public debt by the United States in the manner now proposed.

Upon a deliberate review of this subject, in all its bearings, I am satisfied that we ought to accept of this Act. We shall never settle our debt on better terms, and it seems to be the only mode by which it can be discharged in any reasonable time. I, therefore, recommend the passage of such a law as will give it effect, concurrently with another law appropriating out of the amount we are to receive under its provisions, such sum as will be sufficient to pay those creditors whose *pro rata* will be less than we owe them, the difference between *their pro rata* and what we admit to be due them, which will be about \$118,901 42.

If this debt were settled, Texas would be in a better financial condition than any other State of the Union.

We had in our Treasury \$1,592,742 68-100 on the first day of the present month, besides the school fund of over two millions of dollars. In addition to this, we will receive under the Act of Congress before referred to, if we should accept it, the sum of \$179,163 93-100, after making up the deficiency between what we acknowledge to be due to a portion of our creditors, and the amount they will receive under that act. We have also a public domain the value of which can scarcely be estimated.

The value of our taxable property is increasing with aston-

ishing rapidity. The increase from 1853 to 1854 was about twenty-seven per cent., and from 1854 to 1855 about seventeen per cent.

Our State tax of fifteen cents on each hundred dollars of the assesment for the year 1854, together with the poll tax produced about the sum of \$209,481 46-100.

On the assessment for the year 1855 together with the poll tax, it produced about \$245,632 35-100.

The amount of the tax upon licenses, occupations, and sales for the year 1854, was about \$37,039 65-100. For 1855 it was about \$27,570 60-100.

The decrease in this tax for the present year was caused by the operation of the law of the 11th of February 1854, regulating and restraining the sale of spirituous liquors.

After paying the expense of assessing and collecting these taxes, and setting apart one-tenth of them for the school fund, there would remain a few thousand dollars surplus, over and above the appropriations for the ordinary expenses of the government, for the years 1854 and 1855, which were about \$357,041 40-100.

For the years 1856 and 1857 these expenses will be considerably increased, as the law of the last session increasing the pay and mileage of the Legislature, is now in operation.

I think, however, that our State tax may be reduced from fifteen to twelve and a half cents on the hundred dollars, and that it will still produce an amount amply sufficient to meet all the appropriations that will be required for the years 1856 and 1857.

For the last four years, as you are aware, the State taxes have been relinquished to the counties, and the expenses of the government have been paid from the bonds received from the United States government in the settlement of our Northwest boundary.

The amount of these bonds now remaining in the Treasury is \$1,575,000, and if we continue to rely upon them to meet the expenses of the government, they will, with the interest accruing on them, pay these expenses for about eight years.

But these bonds having been received as the consideration

for our relinquishment of the right of soil and jurisdiction over a portion of the territory acquired by our revolution, ought not to be expended for temporary purposes; they ought rather to be husbanded and used for objects of public utility, permanent in their character.

The main reason assigned for relinquishing the State tax to the counties, was to enable them to build Court Houses and Jails. Those counties which have made a judicious use of this tax are now supplied with these buildings, and this reason can no longer be urged.

I am opposed to any future relinquishment of the State tax to the counties, and think that it should be relied on to meet the ordinary expenses of the government; this course will probably tend to economy in these expenses, for where the means for the support of a government are derived from a direct tax upon the people, it will be found that they are more watchful to prevent lavish and improvident appropriations, and hold their officers to a more rigid accountability.

If we act upon these suggestions, we will still have to use a portion of these bonds to meet the outstanding appropriations for the years 1854 and 1855, and also for the appropriations for the year 1856, as the taxes assessed for that year, will not be collected until 1857.

Your attention is invited to the annual report of the State Treasurer as Ex-officio Superintendent of Common Schools, for the years 1854 and 1855, which are transmitted herewith.

It will be seen from these reports, that very few of the county officers, to whom duties are prescribed under the School Law, have performed them in accordance with its provisions. This neglect of these officers has rendered it impossible for the Treasurer to perform his duties under the law, at the time and in the manner required. He has, however, with my concurrence, prevented an entire failure of the law, by coming as near a compliance with its provisions as was possible, under the circumstances.

The number of children in the State between the ages of six and sixteen years, as ascertained by the reports of the assessors and collectors who have made returns for the year 1855, and

by the estimate of the Treasurer for those counties that have failed to make returns, is 66,150; and the annual distribution of the fund gives for each scholar one dollar and fifty cents.

The School Law has proved to be defective in its details and entirely unsuited to our condition. I was not satisfied with it when it passed, but gave it my approval because it created a liberal fund, and attempted to do something towards the establishment of schools.

These reports show that but few of the counties have organized and established schools as required by this law; in most of them the population is sparsely scattered over a great extent of territory, which cannot be divided into districts containing a sufficient number of children for the maintainance of a school, without making the districts so large, that the school must necessarily be at an inconvenient distance from a large portion of the scholars; this, without doubt, has prevented and will continue to prevent, the execution of a law like the present until our population becomes more dense.

We should not be deterred by the failure of this attempt.— Let us amend the present law by imposing heavy penalties upon those assessors and collectors who fail to make a return of the number of scholars in their county within the time prescribed, and in lieu of that part of the present law which requires a division of the counties into districts, let us declare all schools that may be kept in the State, public schools, and allow the fund distributed to each county, to be disbursed under the orders of the county court, to such teachers as the parents and guardians of the children may choose to employ for their education.

This plan, I am satisfied, is better adapted to our present situation than any other which can be devised, and I believe it will be much more acceptable to the people than that provided for by the present law.

As our situation changes, some other system more suited to our wants will no doubt suggest itself and can then be adopted.

A reference to these reports will show that there is now in our Treasury about one hundred and twenty four thousand dollars, which has accumulated from the one-tenth of the

annual revenue set apart by the constitution for the support of schools, fifty three thousand of which has already been invested in United States five per cent bonds. I recommend that the residue be also invested in like manner, that the whole be added to the two million school fund, and that hereafter this tenth, together with the income of that fund, be annually distributed as directed by the school law.

By this means, the annual amount applied by the State, for the support of schools, will be about one hundred and twenty thousand dollars, which will be gradually increasing as our revenue from taxation increases.

The school fund may be greatly increased by a judicious use of the four leagues of land that have heretofore been granted to each county of the State for public schools.

It is questionable whether these lands will ever accomplish much good, if they are allowed to remain in the possession of the counties, for it appears from information furnished by the commissioner of the General Land Office, that but 954,181 acres, of the 1,753,488, to which the ninety-nine counties of the State are entitled, have yet been selected. Forty one counties only have selected their full amount, twenty have selected 237,989 acres of the 354,240, to which they are entitled, and thirty eight have made no selections, so that 799,307 acres yet remain to be selected. Nineteen of the counties which have made no selections were organized in 1846 or previous to that time, six were organized in 1848 and thirteen were organized at different periods between the years 1849 and 1854.

It is reasonable to expect that those who have neglected, for so long a period, to avail themselves of these liberal grants of land, will not hereafter manage them with that care and attention that will be required to realize their full value.

It is unfortunate that these lands were not, at first, set apart to be managed by the State itself, as a general fund for the common benefit of all the counties, for they would have been selected long since, in sections of the State where their value would have greatly increased by the settlements since made.

They would, without doubt, be much better managed by the State than by the counties, for they could be placed under the

control of a single officer, whose special duty it would be to superintend them, attend to their survey and sale, whenever it might be deemed advisable to bring them into market and invest their proceeds, instead of being under the management of the officers of ninety-nine different counties, who are too remote from the lands and too much occupied with other official duties to give much attention to them.

It will be found that those States of the Union, which have retained the lands granted to them by the general government for schools, and made them a general fund for the whole State, have realized far more benefit from them than those who have left them to the control of the different townships in which they are situated.

I suggest for your consideration, whether it would not be well to propose an amendment to our Constitution, declaring that all of these grants shall be vested in the State to be administered as a common fund for the benefit of all the counties, and sold, from time to time, under the direction of the legislature, at not less than a minimum price, after they shall have been subdivided into small tracts; the proceeds of such sales to be added to the present school fund, and the income thereof to be applied in the same manner as the income of the present fund.

If this disposition were made of them, they would, in a few years, add at least three millions of dollars to our present school fund.

Should these suggestions not be acceptable to you, then I recommend an amendment to the Constitution similar to that proposed to the last legislature, which was, that the counties should be authorized to sell these lands at not less than a minimum price, the proceeds of such sale to be kept as a fund, and the income applied to the support of schools.

By the adoption of either of these amendments, these lands would soon be made available, while under the present provisions of the constitution, which only authorize them to be leased for a term not exceeding twenty years, they are entirely useless for the purpose which they were granted, because in a country where land is so cheap as it is here, unimproved lands cannot be leased for so short a period, so as to produce any revenue.

I invite your attention to the importance of establishing a State University, which shall afford to our youth all those opportunities for obtaining a liberal education, that are to be found in any part of the Union.

We cannot appreciate too highly the advantages of educating our children within the reach of parental authority, where they can daily witness the practical operation of our government, its institutions and laws, and become familiar with the habits and sympathies of the people with whom they are destined to associate in after life.

To secure these advantages is worthy of an effort on the part of the State, and I recommend that the sum of three hundred thousand dollars of the United States bonds, now in our Treasury, be appropriated as a permanent fund, to be increased by the proceeds of the gradual sale of the University lands, at not less than a minimum price, after they shall have been subdivided into small tracts, and that the income of this fund be applied to the erection and support of such an institution.

This will enable us in a few years to erect the necessary buildings, employ professors in every branch of literature and science, and place the institution on a sure basis for future prosperity and usefulness.

While upon this subject, it is proper I should inform you that a portion of the University lands have not yet been selected, and I suggest that a sufficient appropriation of money be made to pay the expenses of selecting and surveying them.

I also call your attention to the necessity of establishing an Asylum for Lunatics. If we had such an institution in our midst, where those who are afflicted with insanity could be promptly placed under the care of persons skilled in its causes and treatment, a large portion of those unfortunate persons might be restored to reason, and the condition of all greatly alleviated.

We also need an institution for the education of the deaf, dumb and blind, where these unfortunate classes may be taught their duties and responsibilities as citizens, and made useful members of society.

Institutions of this character are necessary in every community, but they cannot be founded and supported without the care and patronage of the State.

I therefore recommend that two hundred and fifty thousand dollars of the United States bonds, now in our Treasury, be appropriated as a permanent fund for the erection and support of a Lunatic Asylum, and a like amount as a permanent fund for an institution for the education of the deaf and dumb and blind, and that provision be made for the erection of these institutions as soon as the income of these funds will permit.

If we would create and encourage among our citizens a spirit of independence and attachment for their own State, we ought to furnish them at home with all those facilities for improving and ameliorating their mental social and physical condition, which are to be found in other parts of the world. We now have the means of doing this without imposing any onerous burden upon our citizens, and if we neglect to avail ourselves of this opportunity, we shall be justly charged with being unmindful of the high duties and responsibilities that rest upon us.

In compliance with the provisions of "An Act to provide for the construction of the Mississippi and Pacific Railroad," approved the 21st of December, 1853, proposals for its construction, were, in the first instance, invited, until the 1st of May, 1854, but before the arrival of that period, it became apparent that the time allowed for receiving proposals was too short, and it was extended to the 1st of August of the same year.

On the day to which the time had been extended, the propositions were opened, and it was ascertained that but one had been received, which came within the provisions of the law. This was accepted, and on the 31st of August a contract was concluded for the construction of the road.

The contractors subsequently failed to make such a deposit as the law required, and the contract was declared to be null and void.

Upon the failure of this contract, proposals were again invited but none have been received.

Some of the contractors contended, for a time, that the deposit offered was a good one, and that they were entitled to the

contract. But assurances have been received from those contractors, who are citizens of Texas, which includes all of them but two, that the company has never been organized, and that they consider the contract forfeited, so that the whole subject is still entirely within the control of the State.

It is a matter for your consideration whether this law shall be continued in force.

The great advantages that would accrue to Texas from this road, makes it a subject of deep interest to all classes of our citizens, and should induce all to favor the measure if a reasonable hope is entertained that it will be constructed under the law.

As a part of a great national highway from the Mississippi river to the Pacific ocean, it is probable that the liberal grant of land offered by this law, would secure its construction, provided similar inducements were offered for the construction of a road from the Mississippi river to its point of commencement, and also for its continuation from El Paso to the Pacific ocean. But as a mere local road from the eastern line of the State to El Paso it would not prove to be a profitable work, during the present generation.

As far west as the Colorado river this road would pass through a region that would, in a few years furnish sufficient transportation and travel to make it a paying road, but until a road shall have been constructed from the Mississippi river to its point of commencement, the uncertainty and expense that would attend the transportation of the iron and other materials to its point of commencement, would be so great as to deter any company from undertaking even this part of it.

It is possible that a company may be found who will undertake the construction of this portion, provided they are allowed to construct a road upon the same terms from the head of permanent navigation on the waters of some of our bays, up to the line upon which it is proposed that the Pacific road shall run, and then east to the eastern line of the State, and west to the Colorado river.

This change would make an immense saving in the cost for the transportation of materials, for they could be brought to the point of commencement with the same facility that they could

be carried to the Mississippi river, and from thence they could be transported over the road as it progresses, at an inconsiderable cost.

It will be found, however, that it cannot be constructed at the rate of one hundred miles for each year; few if any roads in the United States have been constructed at the rate of fifty miles a year, and it will severely tax the energies of any company, whatever may be its resources, to construct a road at that rate.

These reflections will suggest themselves to every one who takes a practical view of the subject, and should be considered by you in determining your action in regard to it.

The present is a favorable time to revise our legislation in regard to railroads generally.

We have chartered thirty seven railroad companies, and have held out greater inducements for their construction, than were ever before offered by any government.

It is now nearly four years since a bonus of eight sections of land was offered for each mile of railroad constructed, and nearly two years since the bonus was increased to sixteen sections a mile for each twenty five miles.

The result of these efforts has been, that we have one road of about thirty miles in operation, from Harrisburg on Buffalo Bayou to the neighborhood of Richmond on the Brazos river, and two others, "The Galveston and Red River Railway," and "the Galveston, Houston, and Henderson Railroad," in the course of construction, with a reasonable prospect, as I am informed, of completing twenty five miles each by the 30th of January next, in time to avail themselves of the bonus of sixteen sections.

So far as I have been able to learn, no other company is now doing any work under its charter.

I do not think it advisable to renew any of the charters heretofore granted, or to give relief to any company organized under them, unless such company is now actually at work upon its road, and can show that it has expended a considerable amount of money thereon, and has the ability, within a very short period, to complete the number of miles necessary to entitle it to land under the laws now in force.

No new charter should be granted over a route where a road is already being constructed, or so near such route as materially to impair its value.

Every railroad company should be required to hold all meetings, for the election of its officers, within the State, and to have a majority of its directors resident citizens thereof and also to keep its principal office for the management of its affairs within the State.

By adhering to these rules we shall correct many of the errors that have attended our past legislation on the subject.

I am unwilling that any new charters shall be granted to individuals for their own benefit. If new charters are necessary, let such routes be selected as the wants and business of the country require; designate their points of commencement and termination, and grant charters to commissioners who should be required to open books for the subscription of stock, after giving public notice. No subscription should be received unless five per cent. thereof is paid at the time of subscribing, and whenever the per centage on the capital stock subscribed shall amount to one hundred thousand dollars, let the commissioners be authorized to call a meeting of the subscribers and hold an election for officers; after which the subscribers should become a corporation with all such powers as are set forth in the charter. The commissioners should have no right under the charter, except as trustees, for the benefit of the subscribers when they organize and become a corporation, and should be liable to a heavy penalty for receiving subscriptions of stock without the payment of five per cent. thereof in cash. The corporation thus organized should have authority from time to time to receive further subscriptions to its capital stock, to the full amount thereof, after giving public notice, the subscribers in all cases paying five per cent. of their stock at the time of subscribing.

If we pursue this course, our railroad charters will cease to be offered for sale by individuals who have obtained them for purposes of speculation. Those who wish to construct railroads, will obtain charters without paying a premium to the persons who have induced the Legislature to pass them, and we shall

have no more companies organized without capital to impose upon the credulous and unwary, and stand in the way of those who have the disposition and means to construct railroads.

While so little has been accomplished under the policy heretofore pursued by the State for the encouragement of railroads, it becomes us to consider well what we may reasonably expect to be done hereafter by a continuance of this policy.

The Buffalo Bayou, Brazos and Colorado Railroad Company will undoubtedly complete its road as far as Richmond during the present year. The Galveston and Red River Railway Company, and the Galveston, Houston and Henderson Railroad Company expect to complete twenty-five miles of their respective roads by the 30th of January, 1856, so as to secure the bonus of sixteen sections to the mile.

These companies will then have to continue their roads at the rate of twenty-five miles a year or lose the benefit of the bonus of sixteen sections. If they fail to do this, the Harrisburg company and the Henderson company may still have the benefit of the bonus of eight sections, but the latter to secure even this, will have to construct an additional fifteen miles on or before the 1st of March, 1857, to save its charter.

The Houston company has already lost the benefit of the bonus of eight sections by failing to complete ten miles of its road within the time prescribed by its charter.

It is possible that some of the other companies may be able to avail themselves of the sixteen section bonus, as only those which terminate on the Gulf coast, the Bays thereof, or on Buffalo Bayou, are subject to the provision which requires the construction of twenty-five miles on or before the 30th day of January, 1856, though it is believed that few, if any of them will ever build road enough to save their charters.

It is not generally supposed that either of the three companies before named will be able to construct their roads at the rate of twenty-five miles a year after the 30th of January next, so as to secure the sixteen section bonus, unless they are assisted by a liberal loan of money from the State. We cannot therefore expect that much progress will be made, for many

years to come, in the construction of railroads in this State by private corporations, beyond the completion of those tracks already graded, unless such a loan shall be authorized, or that provision of the act donating lands to railroads, which requires these companies to construct twenty-five miles a year, is repealed, for it is generally conceded that they will not, at present, yield a sufficient profit to induce individuals to invest capital in them, without the advantages to be derived from the land bonus.

The passage of a law, similar to that attempted at your last session, authorizing the loan of eight thousand dollars a mile, might enable these three companies, if they were to have the sole benefit of it, to extend their roads about seventy-five miles in the next three years; this, it is true, would afford great relief to those sections of the State accessible to them but it would be those sections that are least in need of railroad facilities, for they are already nearest to a market, and would leave the greater part of the State, which is now suffering for want of such facilities, in the same destitute situation it now is, without any certain prospect of being supplied.

What our citizens need is a general system of Internal Improvements by railroads, river improvement and canals, that will extend its benefits to every section of the State as nearly as practicable, and give them a cheap transportation of their productions to a market.

This, I believe, can be obtained within the next fifteen years by a judicious use of our public domain, aided by a moderate internal improvement tax; which will never be onerous to our citizens, and for which they will be repaid ten fold in the increased value that such a system will give to their property, and the reduced rate at which they will be furnished a transportation of their productions and supplies.

Our unappropriated public domain is estimated at about one hundred millions of acres. Suppose that one half of it is valueless or unsuitable for cultivation, which is a large estimate, this will leave us fifty millions of acres, which at seventy-five cents an acre, is worth thirty-seven and a half millions of dollars—

This, every one must admit, is a small estimate of its value; and under a judicious system of sales, to be effected gradually as the wealth and population of the State is increased by the proposed improvements, it would undoubtedly sell for twice or three times that amount within fifteen years.

Let us suppose that it would cost six cents an acre, which is a large price, for the gradual survey of these lands, as it might be deemed advisable to bring them into market, the cost of surveying the whole hundred millions would be six millions of dollars. This would leave thirty-one and a half millions as their nett proceeds to be applied to works of internal improvement.

As this amount could be realized from them only by gradual sales through a course of years; in order to commence the system immediately, it would be necessary to anticipate their proceeds, by the use of the credit of the State, to sustain which an internal improvement tax of fifteen cents on each hundred dollars of the taxable property of the State would be required: Such a tax on the assessment for the year 1857, which is as early as the system could be commenced, would produce at least \$268,000 00. This would pay an interest of six per cent. on four and one-quarter millions of dollars. The same tax, allowing the increase in the value of our taxable property to be one fourth less each year, than it has been since the year 1816, (and it would, without doubt, be much greater,) would produce in 1860, the sum of \$377,000 00, which would pay an interest of six per cent. on six and one quarter millions of dollars.

This would enable us to use the credit of the State, to the amount of six and one-quarter millions of dollars before the close of the year 1860, without taking into account the annual earnings of the public works, as they progress, which would be at least three per cent. on their cost, equal to one-half of the interest we would be paying on the debt.

By that time we would be in receipt of a considerable amount each year from the sale of the public domain, increased in value by the improvements already made; and our works could proceed much more rapidly to completion.

In this way we might expend from twenty-five to thirty mil-

tions of dollars upon a general system of internal improvements within the next fifteen years, and at the end of that time the whole will have been paid by the proceeds of the sale of our public domain and the internal improvement tax.

The State would be the owner of the works constructed and could reduce the price for transportation and travel to such rates as would keep them in repair and pay the expense of operating them, or to such rates, as in addition to the cost of keeping them in repair and operating them, would produce an annual income of three per cent. upon their cost. This income amounting to over seven hundred and fifty thousand dollars might be applied to the expenses of the government, or to extend the system, until every neighborhood in the State would be furnished with ample railroad facilities.

All this may be accomplished and the wealth of our citizens increased hundreds of millions, simply by a prudent use of our public domain and an annual tax of fifteen cents on each hundred dollars of the taxable property of the State for the next fifteen years.

The system of works should consist of Railroads, improvements upon our navigable rivers, and canals connecting the different bays and streams along our coast.

Sixteen hundred miles of railroad can be so located as to accommodate every section of the State that is now inhabited, and so that no neighborhood, (except the north-west corner of the State) that is not within a convenient distance of a navigable water course or a canal, shall be more than twenty five miles from a railroad.

The average cost of building and equipping railroads in this State will not exceed sixteen thousand dollars a mile, if paid for with money when the work is done: At this rate, sixteen hundred miles would cost twenty-five million and six hundred thousand dollars. This amount deducted from thirty-one and a half millions the estimated sum to be realized from our public domain in the next fifteen years, would leave five million and nine hundred thousand dollars, which could be applied to the improvement of our navigable rivers, cutting canals to con-

rect all the bays and water courses, along our coast from the Sabine to the Rio Grande, and to any other objects of public utility.

This system, to be successful, must be made the permanent policy of the State and incorporated into our Constitution so as to be placed beyond the reach of change by legislation.

The routes over which railroads are to be constructed—the rivers whose navigation is to be improved, and the canals which are to be cut, must be specified—the lands must be set apart as an Internal Improvement fund—the time and manner of their survey and sale must be fixed—the Internal Improvement tax must be levied—provision must be made that the credit of the State shall never be used to an amount beyond what the internal improvement tax and the net earnings of the public works will pay the interest of—and that the works specified shall all be carried on simultaneously until their final completion—all this must be done by a constitutional provision—otherwise, it is possible, future Legislatures may undertake other works before those designated shall have been completed, or may become impatient with the progress of the works, and endeavor to hasten their completion by an increase of taxation, so as to make it oppressive, or by the use of State credit beyond the means provided for sustaining it, and thereby defeat the whole system.

Under this system the improvements will progress towards completion, simultaneously with the increase of the population and wealth of the State. Each mile of improvement will increase the value of the public lands and of individual property, and the ability of the State to prosecute the system will increase in the same ratio.

Such a system can never become oppressive under the restrictions proposed, because it can never draw from our citizens more than the internal improvement tax. This will be light compared with the benefits to be obtained. Our entire State and county tax, including this, will be but thirty-seven and a half cents on each hundred dollars, equal to three mills and seven and a half tenths of a mill on the dollar, which is less than is paid in three-fourths of the States of the Union.

The increase in the value of the taxable property of the State that will attend the prosecution of such a system, will enable us to reduce our tax for the ordinary expenses of the government, so that in a few years our aggregate State and County tax, including this, will not exceed twenty-two and a half cent on the hundred dollars, or two mills and two and a half tenths of a mill on the dollar, which is the same we now pay for State and county purposes.

Every citizen will be amply compensated for this tax, by the increased value its expenditure will give to his property, and the reduced price he will have to pay for transportation and travel.

It is true that the benefits will be greater to those living in the vicinity of the improvements than to those living remote from them; but as soon as the system is commenced, the relative taxation of those living near the improvements will also be greater, for all property in the State is taxed according to its value.

There will be no more inequality in the operation of this tax than attends every tax for the expenditures of the government; for those living in the vicinity where such expenditures are made, derive more benefit from them than those at a distance, by the increased value they give to their property; but this is, in a measure, counterbalanced by the additional tax on the increased value.

Suppose for example, we take a section of country fifty miles in width, where the average value of land is now two dollars and fifty cents an acre; when this system commences each acre of this land will pay three mills and three quarters of a mill, for this internal improvement tax, but when a railroad shall have been commenced through the centre of this section, the lands within five miles of the road will be worth at least fifteen dollars an acre, those more than five and less than ten miles from it will be worth ten dollars; those more than ten and less than fifteen miles from it will be worth six dollars, and those more than fifteen and not exceeding twenty-five miles from it will be worth three dollars an acre; then each acre of this land, worth fifteen dollars, will pay two cents and one

quarter of a cent ; each acre worth ten dollars will pay one cent and a half ; each acre worth six dollars will pay nine mills, and each acre worth three dollars will pay four mills and a half a mill, yet all will pay the same rate of tax as at first, viz: fifteen cents on each hundred dollars worth of land.

Now each acre of this land pays five mills and five eighths of a mill towards our tax for State and county purposes, but when the above increased value is given to it by a railroad, the same amount of money produced by the present tax of twenty-two and a half cents on the hundred dollars, may be raised by a tax of less than eight cents on the hundred dollars, or less than eight tenths of a mill on the dollar, each acre of this land worth fifteen dollars will then pay one cent and two mills towards this tax ; each acre worth ten dollars will then pay eight mills ; each acre worth six dollars will then pay four mills and eight tenths of a mill, and each acre worth three dollars will then pay two mills and four tenths of a mill.

This example clearly demonstrates that a general tax for internal improvements operates equally upon all in proportion to the benefits which they receive.

The present system of making donations of lands to railroads is much more unequal in its operation than their construction by a general tax ; for those sections of the State only, where the population and business promise to make railroads a profitable investment of capital, can avail themselves of these donations, while under a general system by the State, the paying sections of road will contribute towards the construction and support of roads in those sections where they will not pay a profit, and thus they will be extended to portions of the State, where they would not be constructed for many years, if ever, by individual capital.

The State may well afford to carry out a general system of internal improvements in this manner, even if in the aggregate they never pay more than the cost of their repairs and of operating them ; for the State is compensated by the increase of its population, and the increased value of its public domain and taxable property, which constitute its real wealth.

One of the great advantages that our citizens will derive from having works of internal improvement constructed and owned by the State, will be, that instead of keeping the price of transportation and travel at such rates as will make them a source of profit, as would be done if they were owned by corporations, the State may, if it chooses, reduce these rates to the lowest point that will operate and keep them in repair.

No argument against the practicability of the plan here proposed, can be drawn from the experience of other States, which have attempted a general system of internal improvements, because none of them have attempted a system like this—none of them have, before commencing, limited and described the works to be constructed—none of them have first provided the means necessary to sustain their credit and declared that their credit should not be used more rapidly than these means would justify ; all of which provisions are proposed to be made a part of our constitution beyond the reach of change by legislation ; and above all, none of them have had the public domain, we possess, as a basis for the use of State credit and for its ultimate redemption.

I am so well satisfied that the interior portions of our State will not have the benefit of railroad facilities during the present generation, unless they are constructed by the credit of the State, either wholly or in part, that, if the plan here proposed, cannot be adopted, I am willing to see certain leading routes designated, to which the State shall furnish the iron needed for their construction, after the road bed shall have been prepared, by corporations, for its reception, and take a mortgage upon the road for security ; or I am willing to see the State become a subscriber for one half of the capital stock necessary to construct them, whenever the other half is taken by individuals.

But in adopting either of these plans, the same constitutional provisions would be necessary to establish a proper basis to sustain the credit of the State and to guard against its improvident use, as if the State were to undertake to construct them herself.

Neither of the plans here proposed originated with me ; the

main features of each have been advocated by others with far more ability than I can bring to the subject.

I believe any one of these plans to be entirely practicable, but I think the first would be the most successful, and would diffuse its benefits more generally and more equally than either of the others.

If any better mode can be suggested for the use of State credit in works of internal improvement than here proposed, it will receive from me a cordial support.

Those who have not maturely reflected on this subject, may think that a system of internal improvements, requiring an expenditure of twenty-five to thirty millions of dollars, is too great an undertaking for a State containing three or four hundred thousand inhabitants, but they should recollect that only a small portion of this expenditure is to be made immediately, that it is to be extended over a period of years, before the expiration of which our population, under the impulse that such a system will give to immigration, will have increased to at least one and a half millions, and that we have a public domain, such as no State, of our population, ever before possessed, which will be trebled in value by these improvements, and will be more than sufficient to meet this large expenditure.

They may also think that fifteen years is a long period to wait for the promised benefits of this grand system of internal improvements, which is to produce these great results, but they should also recollect that few great enterprises are ever completed during the age of those who commenced them.

Twenty-five millions of dollars is a small amount compared with the future resources of this great State, with its extensive public domain, when its agricultural and mineral wealth shall have been fully developed; and fifteen years is but a short period in its history.

Those who legislate for such a State, should keep in view, not only the present moment, but the future, when it will be inhabited by thousands where it now has hundreds, and when its exports shall have increased an hundred fold.

Our immense public domain is being rapidly wasted for unimportant purposes. When it shall have entirely passed from

us without our having secured any substantial and permanent benefits from it, as it surely will, unless we soon make an appropriation of it, to some object of great public utility, like that here proposed—and when time shall have fully disclosed its real value, posterity will wonder that this generation should have done so little to develop the resources and increase the wealth and political importance of the State, with the magnificent means at its disposal.

I have dwelt upon this subject at length, because my views in regard to it have been misunderstood by some and misrepresented by others, and I felt that it was a duty I owed to myself, to place them properly before you and the people of the State.

Neither of these, nor any other system of internal improvements should be undertaken, requiring an expenditure of money by the State, which would have to be supplied by taxation, until it has first been submitted to and received the sanction of the people.

Nor do I think that any such system should be commenced, until a constitutional provision has been adopted, securing it from hasty and improvident legislation.

The use of the credit of the State in either of the modes here proposed, will require an amendment of our Constitution. This may be done, either by calling a Convention for that purpose, or by your proposing an amendment to be voted on by the people. I should be unwilling, however, to see a convention called until a vote of the people is first obtained in favor of such a measure.

Should these views be unacceptable to you, I shall interpose no obstacles to such constitutional measures as you may adopt, to aid in the construction of railways and in the improvement of our navigable rivers, if they shall seem likely to effect those objects, and the interest of the State is properly guarded.

An election was held on the first Monday in August 1854, in each county of the State, in accordance with the provisions of "An Act regulating and restraining the sale of spirituous liquors," passed 11th of February 1854, to determine whether their sale in less quantity than one quart, should be abolished or

continued. Most of the counties voted, by large majorities, to abolish such sales, and since that time, no licenses, authorizing such sales, have been issued, except in the counties that voted for continuing them.

Owing to a supposed defect in the Act, in not providing any penalty against those selling without license, the law has been inoperative, and spirituous liquors have been sold in small quantities in every county in the State, to as great an extent as they were previously.

When this act was presented to me on the last day of the session, I considered it too defective to accomplish the object intended by it, but there was not time to return it to the Legislature and have another passed, supplying its defects.

Believing that it might do some good by obtaining an expression of public sentiment on the subject, which would influence future legislation, I allowed it to become a law.

It is very probable that the result of the vote upon this question, may induce an effort, at this session, to pass what is commonly called a prohibitory liquor law, such as has been tried in many of the Northern States.

While I do not question the Constitutional power of the Legislature to enact a law prohibiting the sale of intoxicating liquors in this State, except so far as their sale may be authorized by importers under the laws of the United States, I feel constrained to say that I believe the enactment of such a law would be impolitic.

A close observation of the operation of such laws and their effect upon society and upon the evil which they propose to remedy, has produced the conviction with me, that their influence is anything but salutary.

Although called prohibitory, none of them do entirely prohibit the sale of intoxicating liquors. They all proceed upon the principle, that their sale for some purposes is necessary, and all authorize their sale for mechanical, medicinal and sacramental purposes.

While a sale of liquors is allowed for any purpose, it is extremely difficult to confine it to the purposes specified, and in attempting to do this, it has been found necessary to establish

and encourage a system of espionage into the affairs of individuals inconsistent with the proper enjoyment of personal liberty, and a system of harsh and unusual penalties and punishment entirely disproportioned to the offence committed.

Even these extraordinary means have failed to stop the use of intoxicating liquors, or to prevent intoxication, if we may judge by the records of the criminal courts of those States where such laws are in force.

I do not believe that such a law could be generally enforced in this State. But I think that many of the evils caused by the use of intoxicating liquors may be prevented by a judicious law regulating their sale.

Most of these evils arise from their use at public places where their exposure for sale in small quantities, tempts thousands to use them to excess, who would otherwise never indulge in their use.

It is their excessive use at such places, that causes most of the personal rencounters which produce so much misery in society.

If you can pass a law that will effectually close all drinking shops, you will free society from a large portion of the evils that follow the use of intoxicating liquors. Such a law will accord with the sentiments of nine-tenths of our population, and may be rigidly enforced.

During the summer of the year 1854, the commanding General of this Department made a requisition upon me, for six companies of mounted volunteers, to be mustered into the service of the United States at this place, on the 1st of November of that year, for the purpose of a campaign against those tribes of Indians upon our frontier, who were at that time making frequent hostile inroads into our settlements.

To meet this requisition, the State was divided into six districts, and one company of volunteers was called for from each.

Our citizens manifested their usual alacrity to serve their country, and these companies were promptly raised and marched to this place at the time appointed.

Owing to an apparent contradiction between the orders issued by the War Department at Washington City, and those issued

by Gen. Smith, who was then absent from his headquarters on a trip to El Paso, no provision was made for mustering these companies into the United States service, when they reached here, at the time appointed.

Believing that the services of these companies were needed on the frontier, and that they would be received by Gen. Smith when he returned to his headquarters, I caused them to be mustered into the service of the State, and kept embodied until I could learn his determination.

Upon the return of the Commanding General, as I had anticipated, they were received by him and mustered into the service of the United States, at different periods between the 1st and 25th of December.

A contract was made with Mr. S. M. Swenson, a merchant of this city, for most of the subsistence, forage and transportation, and all of the camp equipage, ammunition, &c., required for these troops while they should be retained in the service of the State. Those articles not furnished by Mr. Swenson, which formed but a small portion, were purchased from persons at the points where they were needed, with the assurance that they should be paid for them either by the General Government, or by this State.

An appropriation of twenty-five thousand dollars was subsequently obtained from Congress by our Senators and Representatives, to pay the expenses of sustaining these volunteers previous to the time they were mustered into the service of the United States, and Mr. Swenson, upon application at the United States Treasury, was paid the amount due him under his contract. The other parties, who are numerous, but whose several claims are small, have not yet been paid. The appropriation is ample to cover them, but they have delayed sending them to Washington City for payment, on account of the trouble and expense that would attend such a course, and I recommend that an appropriation be made for their payment from our Treasury, and that the vouchers be forwarded and collected from the United Treasury for the benefit of the State.

It is perhaps proper I should state, that in making the contract with Mr. Swenson, it was understood that he should receive an advance of thirty-five hundred dollars, and that for the re.

side, which amounted to about seventeen thousand dollars, he should wait until an appropriation could be obtained for his payment.

In order to make this advance, an unexpended balance of an appropriation, made by the last Legislature, for the rescue of captives in the hands of the Indians, was drawn from the Treasury on my own responsibility, which was subsequently returned by Mr. Swenson after he was paid by the United States.

An appropriation was also made by Congress, which was considered sufficient to pay these troops for their services, but when they were paid off, the Paymasters only had orders to pay them from the time they were actually mustered into the service of the United States, consequently they have never been paid for the time that elapsed, between the 1st of November, when they should have been mustered by the United States, and the time when they were so mustered.

The United States will, without doubt, when this matter is properly understood at Washington, (and measures have been taken to have it explained there,) pay them also for this service, but in the mean time these men are deprived of what is justly due them.

They were called from their homes at great expense, strictly in accordance with the law and the authority vested in the Commanding General of the Department. It was not their fault that they were not received into the United States service at the time originally designated by Gen. Smith, for they were promptly at the place appointed, and they should not longer be deprived of their pay.

I therefore recommend that an appropriation be made for their payment from our Treasury, and that measures be taken to have the amount refunded from the United States Treasury.

A statement of the amount that will be required, to pay these men for this service, and also for the balance of the supplies furnished for their use, will be transmitted to you, as soon as it can be prepared.

A large portion of the mounted troops which the General Government has for several years kept upon our frontier for its protection, was withdrawn and sent to Kansas during the past summer.

When these troops left, the Indians immediately renewed their hostile incursions into our settlements, several of our citizens were killed and a large number of horses were stolen by them.

Application was made to General Smith to have a mounted force sent to the neighborhood where these outrages were committed, but there was a long delay in getting a reply to this application, and in the mean time, our citizens were suffering so severely from the frequent attacks of the Indians, that I felt it to be my duty to call out a company of mounted volunteers under the command of Capt. J. H. Callahan, who were mustered into service about the 20th of July last, to serve for three months unless sooner discharged.

Capt. Callahan was directed to repair to such point, in the vicinity of the settlements on the Guadalupe river and its tributaries in Comal and Bexar counties, and on the upper Blanco, as would enable him to give them full protection against the Indians, and to keep his command actively engaged in ranging in that vicinity, unless it should become necessary to pursue any marauding parties of Indians, that might be found in that neighborhood, in which case, he was authorized to follow them up and chastize them wherever they might be found.

He was subsequently directed to divide his company and send a portion to such point as would afford protection to the settlements in Medina and Bexar counties, West and South of the point where he was at first directed to employ his entire company.

This company had several skirmishes with small parties of Indians, killed many of them and recaptured many horses which they had taken from our citizens.

Their services were unremitted and efficient, and tended in a great degree, to restore confidence to the settlements near which they were stationed.

But depredations continued to be committed, and several of our citizens were killed by small parties of Indians in Bexar, Goliad and other counties, distant from the operations of this company.

Small parties of our citizens rallied, pursued and had several

encounters with them, in which many Indians were killed, who proved to be Lipans from the West side of the Rio Grande.

Near the close of September, Capt, Callahan, with a portion of his company and other citizens, who volunteered for the occasion, from Hays, Guadalupe, Bexar, and other counties, consisting in all of about 115 men, pursued a party of Lipan Indians, who had been into our settlements committing depredations, to and across the Rio Grande, where he had an encounter with a large party of Indians assisted by many citizens of Mexico, in which, four of his command were killed and several wounded, and a large number of the force opposed to him were killed and wounded.

The Indians, and those citizens of Mexico who acted with them, retreated from the battle ground, and during the night Captain Callahan fell back and occupied Piedras Negros, a small village on the west bank of the Rio Grande, opposite Eagle Pass.

He was subsequently attacked by a large body of Indians and Mexicans, and to secure a safe retreat to this bank of the Rio Grande, it became necessary for him to set fire to the village.

His report shows that he crossed the Rio Grande, in pursuit of Lipan Indians who were escaping with property stolen from our citizens, and I think he was fully justified in doing so, by the laws of nations.

It appears too, from this report, that the Mexican authorities favored and assisted his crossing; with a knowledge that it was his intention to attack the Lipans.

Upon the receipt of Captain Callahan's first report, giving an account of the circumstances that attended his pursuit of these Indians into Mexico, his engagement with the Indians, and those who aided them, and his subsequent occupation of the village of Piedras Negros, a letter was addressed to him, justifying his conduct, with the exception of his occupation of that village, which was condemned, and he was directed to retire at once, within the limits of this State.

It is much to be regretted that it afterwards became necessary for him to burn that village, in order to secure his retreat. But

the fact that the Mexican authorities made common cause with the Indians against his command, and thereby created the necessity for this act, excuses his conduct in this regard.

Captain Callahan was selected to command this company on account of his frequent service upon the frontier, and his known prudence and discretion in the execution of his duty.

His high character for integrity forbids the idea that he had any other object in entering Mexico, than that avowed, which was to recapture from those Indians the stolen property that they carried with them in their retreat from this State, and to punish them for the wrongs they had done to our citizens. It is also a sure guaranty, that he would never have authorized any wanton destruction of the property of citizens of Mexico.

The term of service of this company expired on the 20th of October, upon which day they were discharged. The supplies necessary for their support were obtained on a credit, and at reasonable prices. A statement of their cost, accompanied with proper vouchers, will shortly be transmitted to you, together with a muster roll of the company, and I rely with confidence upon your making the necessary appropriations to pay for these supplies, and also for the services of the company.

Many applications have been made recently, to have additional companies of volunteers called into service, but as I have assurances from Gen. Smith, that he would place three companies of mounted riflemen at such points as would give protection to those settlements which have been infested by the Indians, as soon as they could be brought up from the Rio Grande, which would be as early as volunteers could be equipped for the service, I did not feel that I would be justified in granting these applications.

Assurances have been recently received from Gen. Smith, that the Rifle Regiment will soon be filled up to its full complement, and that an additional regiment of mounted men, under the command of Col. Johnston, is now on its way to this State. With this force, properly employed, he will be able to give that protection to our frontier, which it has failed to receive for the last eighteen months.

It is proper, in this connection, I should inform you, that efforts have been made by some of our citizens, since the return of Capt. Callahan's command from the Rio Grande, to raise volunteers to enter Mexico and chastise the Lipan Indians, and that the 15th of this month has been designated as the day for the assembling of all those who are willing to engage in such an enterprise.

While I believe that we shall continue to be troubled more or less, by this tribe of Indians, until they are punished by our government, or properly restrained by the government of Mexico, I am unwilling to see unauthorized bodies of armed men undertake such an expedition, and have taken every opportunity to discourage our citizens from giving countenance to it.

The United States government has selected and surveyed twelve leagues of land, for the use and benefit of the several Indian tribes residing within the limits of this State, under the provisions of "An Act relating to the Indians of Texas," approved the 6th of February, 1854.

These lands have been delineated upon the map of the land district in which they are situated, and a plot of them with the field notes of their survey have been returned and designated upon the map of the General Land Office.

They were selected in two tracts, one of eight leagues, a short distance below Fort Belknap on the Brazos river, and the other of four leagues on the Clear Fork of the Brazos, about thirty-five miles distant from the first.

The officer who made these selections and surveys for the United States, was of opinion that they were to contain twelve leagues by English measure, instead of Mexican measure, by which our lands have always been surveyed.

Two plots and two sets of field notes, one by the former and the other by the latter measure, were returned by this officer, and both were delineated on the map at the General Land Office.

It is the desire of the United States that the survey by English measure should be confirmed, as it will give a quantity better suited to the purpose for which it is designed.

Upon a former occasion I recommended a change of the

Constitution, providing for an increase of the number of Judges of our Supreme Court. Though the last Legislature failed to act upon that recommendation, I still adhere to the opinion which I then entertained; and subsequent observation and reflection have tended to strengthen the conviction that such a change would prove beneficial to the interest of the State.

The reasons which induced the Convention to fix the number at three, no longer exist.

The cases to be decided were then few—now they are numerous; the labors that were then to be performed were comparatively light—now they are exceedingly onerous. The business of that Court has recently so much increased, that fears are now entertained that appeals will in future remain for years undecided. Protracted litigation is universally regarded as against public policy; and in practice it has too often proved ruinous to both of the parties litigant.

In order to avoid this evil, I again advise that there shall be submitted to the people, a proposition so to amend the Constitution, as to authorize the election of two additional Judges for that Court.

I also advise that the salaries of the Judges of our Supreme Court be increased; they are now entirely inadequate to the labors which they are necessarily compelled to perform. Justice and policy both require that they be increased.

Should a State, with a large surplus capital, be willing to avail itself of labor, of learning and of talent, and give in return what only amounts to a bare subsistence? Can Government expend its treasure for any object more laudable than that which is best calculated to secure a wise and a just administration of its laws? Surely no contracted views should prevent our Government from obtaining the highest qualifications for that tribunal, whose decision disposes of the property the liberty and the lives of its citizens.

I also recommend an increase of the salaries of our District Judges. Their labors are great, their salaries are low, and they ought to be increased.

I also recommend that provision be made for obtaining an accurate geological survey of the State. We owe it to ourselves

to remain no longer ignorant of the properties of our soil. By expending an inconsiderable sum, we can bring to bear upon it, the lights of science, and can know its component parts, its capacities and its hidden treasures.

The Reports of the Directors and Superintendent of the State Penitentiary, and also of the Disbursing Agent thereof, for the years 1854 and 1855, are herewith transmitted for your information:

They show that the affairs of this institution have been ably and successfully managed. Your attention is respectfully invited to the many judicious recommendations contained in the report for the present year, and particularly to that of the Directors, in relation to an increase of the salaries of the Superintendent and disbursing agent. The duties of these offices are arduous and responsible. The present incumbents have shown themselves to be well fitted for their stations, and they should receive a compensation for their services commensurate with their value.

In publishing these reports, I would suggest, that the items in the account of the disbursing agent be omitted, as they are of no value to the general reader, while they add greatly to the cost of publication.

I would also suggest that one hundred extra copies be printed for the use of the Superintendent to enable him to exchange reports with other institutions of a similar character, by which means he will become thoroughly acquainted with all the improvements in the management of prisons in other States and countries.

The Reports of the different Executive Officers at this place will be transmitted for your information, as soon as they can be completed. The present law requires them to include all transactions of their offices up to the 1st day of November; this does not allow sufficient time to have these reports made out and sent in to the Legislature at the commencement of the session. I would therefore suggest, that the law be changed so as to require their reports to be made up to the 1st of October, instead of the 1st of November.

A short report of the Commissioners appointed "to prepare

a Code amending, supplying, revising, digesting and arranging the laws of this State," is herewith submitted, showing the progress that has been made in the work, and that it will be prepared for submission to you by the 20th of the present month.

I had matured a plan for the issuance of head right, bounty and donation certificates for land, different from that heretofore pursued, under which it has been discovered that numerous frauds have been committed, but the recent burning of the office of the Adjutant General has destroyed most of the original evidences upon which bounty and donation certificates were issued.

This has made the plan matured, inapplicable to the means that now exist for proving such claims.

I hope, however, within a short period, to be able to recommend some safe mode of proceeding in the absence of this lost evidence, and to present a plan by which, in issuing certificates, the rights of individuals and of the State will be properly guarded.

The evidence discovered in regard to the frauds that have been perpetrated in obtaining bounty and donation certificates, and also in relation to forgeries of head right certificates, will be made the subject of a special message.

I submit herewith a communication from the Adjutant General, in relation to the burning of his office, which contains all the information that has been obtained in regard to the cause of this lamentable occurrence, by which all the original archives of the War and Navy Departments of the late Republic of Texas have been destroyed.

This great loss should impress upon us the necessity of providing suitable fire proof buildings for the security of the remaining archives of our government.

The records and papers of the State Department are now kept in an insecure wooden building, equally as liable to be fired either by accident or by an incendiary, as were those of the Adjutant General's office.

The building now occupied for the General Land Office, although sufficient for the period of its erection, is now entirely

inadequate for the increased business of that office ; a large, and more commodious building would greatly facilitate the despatch of its business, and the present Land Office would furnish ample rooms for those of our public offices that are not now supplied with fire proof buildings.

This matter is commended to your consideration with a confidence that you will adopt all reasonable means to insure the safety of our public records.

I also think it would be a measure of prudence to have a person employed to guard our public buildings, at night; this precaution might prevent them from being broken open and their contents destroyed or taken away, and would render them more secure from fire.

Many measures of general and local interest, that will require your action, have probably been overlooked in this communication, but they will undoubtedly occur to you and receive that attention which their importance demands.

I have endeavored to give you such information of the state of our government, as I thought would be useful, and to recommend such measures as seem necessary to remedy the defects that exist in its administration—to promote the moral and social welfare of our people, and to develop and improve our internal resources.

It remains with you to give effect to such of them as you may approve, and to originate others which you may think likely to secure the welfare and happiness of our citizens.

E. M. PEASE,

NOVEMBER 5th, 1855.

Mr. Taylor of Cass moved that the documents accompanying the Message of the Governor, be laid upon the table for the present. Carried.

Mr. Weatherford offered the following resolution :

Resolved, That ——— copies of the Governor's Message and accompanying documents be printed for the use of the Senate.

On motion of Mr. Potter, the blank was filled with two thousand.

Mr. Taylor of Cass, offered the following substitute.

Resolved, That the committee on printing be requested to

procure the printing of two thousand copies of the Governor's Message, and so many copies of accompanying documents as they may think proper. Adopted.

Mr. Hord offered the following resolution:

Resolved, That two hundred and fifty copies of the Governor's Message be printed in Spanish, and two hundred and fifty be printed in the German language.

Mr. Superviele moved to amend, by striking out two hundred and fifty in Spanish, and inserting five hundred copies in that language. Lost.

Mr. Caldwell moved to amend, by adding that the five hundred copies in the foreign languages, be included in the two thousand copies heretofore ordered to be printed.

Mr. Martin moved to amend by adding, "and that three hundred copies be printed" in the Norwegian language, for the use of the Senate.

On motion of Mr. Palmer, the amendment and the amendment to the amendment were laid on the table.

Mr. Hord's resolution was then adopted.

Mr. Taylor of Cass, moved that the Senate go into the election of a President pro tem. Carried.

Messrs. Taylor of Cass, Russell and Burroughs, were appointed Tellers.

Mr. Grimes having received twenty-five votes, a majority of all the votes cast, was declared duly elected President pro tem of the Senate.

On motion of Mr. McDade, the Senate adjourned until to-morrow morning at 10 o'clock.

SENATE CHAMBER, }
November 7th, 1855. }

The President called the Senate to order, pursuant to adjournment.

Roll called—Quorum present.

The Journal of yesterday was read and adopted.

A message was received from the House of Representatives, to the effect that the House had concurred in the resolution of the Senate, to go into the election of Public Printer, and to open and compare the votes for Governor and Lieut. Governor, at eleven o'clock, A. M., and also that the House had organized by the election of the following officers, on Monday, the 5th inst:

MR. H. P. BEE, Speaker.

" E. D. McKINNEY, Chief Clerk.

" R. E. CLEMENTS, First Assistant Clerk.